

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

MONDAY, THE 30TH JULY 2007 / 8TH SRAVANA 1929

WP(C).No. 19216 of 2007(K)

PETITIONER:

**P.PRAVEEN, S/O.C.PRASANNAN,
MANNADICHIRA HOUSE, CHERTHALA, NOW RESIDING AT
MATTATHIL HOUSE, THRIVENI, MANNANCHERRY P.O.,
ALAPUZHA. (CONDUCTOR, K.S.R.T.C.GURUVAYOOR).**

BY ADV. SRI.JOHN JOSEPH(ROY)

RESPONDENTS:

- 1. THE KERALA STATE ROAD TRANSPORT
CORPORATION, TRANSPORT BHAVAN, FORT P.O.,
THIRUVANANTHAPURAM, REPRESENTED BY ITS
MANAGING DIRECTOR.**
- 2. THE ASSISTANT TRANSPORT OFFICER,
KERALA STATE ROAD TRANSPORT CORPORATION,
GURUVAYOOR DEPOT.**

BY ADV. SRI.K.PRABHAKARAN, SC, K.S.R.T.C.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 30/07/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

K.M.JOSEPH, J.

WP.(C) No. 19216 of 2007

Dated this the 30th day of July, 2007

JUDGMENT

Petitioner is working as Conductor. According to him it was due to some friendship, petitioner was falsely implicated in a criminal case and due to the wide publicity in news papers, he was arrested and detained in custody. Petitioner was served with a charge sheet and without conducting any inquiry, only on the basis of the reports of the media, petitioner was removed from the rolls of the Corporation as per Ext.P1 order dated 23.2.2005. His further case is that he preferred Ext.P2 appeal. One of the employees filed appeal and Ext.P3 was passed. Yet another employee filed W.P.(C) 8303 of 2005 and by Ext.P4 judgment that writ petition was allowed. Prayer in the writ petition is to quash Ext.P1 against the petitioner also in the light of Exts.P3 and P4 and to reinstate the petitioner in service and to disburse the subsistence allowance for the period from 19.9.2004 treating it as period of suspension and to complete the proper inquiry, and to pass orders on Ext.P2 appeal in the light of Exts.P3 and P4.

2. Heard counsel for the respondents also.

3. Counsel for the respondents points out that in fact no appeal is filed. But there is no serious dispute that on facts the petitioner is placed similarly as the employees covered by Exts.P3 and P4. In such circumstances, I feel that it may not be proper for the respondents to maintain Ext.P1 having regard to Ext.P4 in particular.

Accordingly Ext.P1 order, to the extent it removes the petitioner from service is quashed. The petitioner shall be reinstated in service. The period he was under dismissal shall be treated as period of suspension. He will be entitled to get subsistence allowance for the period he was out of service. The respondent Corporation will be free to proceed against the petitioner in accordance with law. Unless otherwise ordered by the competent authority, the petitioner shall be treated as continuing under suspension till the disciplinary proceedings against him are finalised.

The writ petition is disposed of. The amount of subsistence allowance due under the judgment shall be paid within a period of two months from the date of receipt of a copy of this judgment.

(K.M. JOSEPH, JUDGE)

